

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARC WILLIAM REEVES,	:	CIVIL ACTION NO. 1:15-CV-619
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CAROLYN W. COLVIN, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 6th day of September, 2016, upon consideration of the report (Doc. 22) of Magistrate Judge Gerald B. Cohn, recommending that the court vacate the decision of the administrative law judge and remand the above-captioned matter for further proceedings with respect to the application for disability insurance benefits and supplemental security income of plaintiff Marc William Reeves (“Reeves”), wherein Judge Cohn opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and finds specifically that the administrative law judge erred in drawing negative inferences against Reeves based upon noncompliance with prescribed treatment regimens without first considering whether the noncompliance was due to Reeve’s mental illness, (Doc. 22 at 44-52), in drawing an adverse inference against Reeves based upon his work history, (*id.* at 52-54), and in discounting the opinion of Reeve’s treating physicians, (*see id.* at 54-61), and it appearing that neither Reeves nor the Commissioner of Social Security (“Commissioner”) object to the report, *see* FED. R. Civ. P. 72(b)(2), and that the Commissioner expressly waived the opportunity to do

so, (see Doc. 23), and the court noting that failure to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should "afford some level of review to dispositive legal issues raised by the report," Henderson, 812 F.2d at 878; see also Taylor v. Comm'r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int'l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Cohn's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 22) of Magistrate Judge Cohn is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of plaintiff Marc William Reeves ("Reeves") and against the Commissioner as set forth in the following paragraph.
3. The Commissioner's decision denying Reeve's application for disability insurance benefits and supplemental security income is VACATED. This matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 22) of Magistrate Judge Cohn.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania